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10 OLIN CORPORATION



11 BEFORE THE CALIFORNIA
12 STATE WATER RESOURCES CONTROL BOARD

13 In the Matter of

14 OLIN CORPORATION,

15 Petitioner,

16 CASE NO. _____

17 OLIN CORPORATION'S REQUEST FOR
18 JUDICIAL NOTICE OF GOVERNMENTAL
19 DOCUMENTS IN SUPPORT OF ITS
20 PETITION FOR REVIEW OF CENTRAL
21 COAST REGIONAL BOARD DENIAL OF
22 REQUEST TO MODIFY ALTERNATIVE
23 WATER SUPPLY ORDER AND REQUEST
24 FOR HEARING

25 [Water Code § 13320; 23 C.C.R. § 2050.6]

26 TO THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD:

27 Pursuant to California Water Code § 13320¹ and 23 C.C.R. § 2050.6, Petitioner Olin
28 Corporation ("Olin") respectfully submits this Request for Judicial Notice in support of its
Petition for Review of the Central Coast Regional Board's Denial of Olin's Request to Modify

29 ¹ Water Code Section 13320(b) provides that in a petition to the State Board, the State Board shall consider
30 "the record before the regional board, and any other relevant evidence which, in the judgment of the state board,
31 should be considered to effectuate and implement the policies of this division." The documents which are the
32 subject of Olin's Request for Judicial Notice are official state statutory, legislative and executive branch
33 administrative agency regulatory documents which govern and implement the water quality policies of the State
34 of California and the Regional and State Boards. In addition, while neither the California Water Code nor the
35 California Regulations specify the evidentiary procedural rules that govern in a State Board hearing as
36 applicable to a request for judicial notice, Olin's Request for Judicial Notice here comports with the formal
37 standards for taking judicial notice prescribed by the California Evidence Code.

1 Alternative Water Supply Order. Specifically, Olin requests that the California State Water
2 Resources Control Board ("State Board") take judicial notice of the following documents:

- 3 (1) October 2003 California Office of Environmental Health Hazard Assessment
4 ("OEHHA") "Guide to Public Health Goals (PHGs) for Chemicals in Drinking
5 Water", a true and correct copy of which is attached to the Declaration of Martin
6 "Kelly" J. McTigue ("McTigue Decl.") as Exhibit "H";
- 7 (2) March 12, 2004 OEHHA (Director J. Denton) – Cal. EPA (Secretary T.
8 Tamminen) Memorandum entitled "Publication of Public Health Goal For
9 Perchlorate In California Drinking Water" a true and correct copy of which is
10 attached to the McTigue Decl. as Exhibit "T";
- 11 (3) March 2004 Perchlorate Public Health Goals for Perchlorate in Drinking Water,
12 Technical Support Document a true and correct copy of which is attached to the
13 McTigue Decl. as Exhibit "J";
- 14 (4) California Department of Health Services ("DHS") "Perchlorate in Drinking
15 Water: Action Level," website notice revising the perchlorate Action Level from
16 4 ppb to 6 ppb to conform to the PHG a true and correct copy of which is attached
17 to the McTigue Decl. as Exhibit "K";
- 18 (5) January 2004 California Senate Office of Research Report ("SOR Report")
19 entitled "Addressing Perchlorate Contamination of Drinking Water Sources in
20 California" a true and correct copy of which is attached to the McTigue Decl. as
21 Exhibit "L".

22 The documents identified above for which Olin seeks judicial notice are all official and/or
23 regulatory acts of the legislative and executive departments of the State of California subject to
24 judicial notice. [See Cal. Evidence Code § 452(b) & (c).] In addition, these documents contain
25 facts and propositions that are not reasonably subject to dispute and are capable of immediate and
26 accurate determination by resort to disinterested and official sources of reasonably indisputable
27 accuracy, specifically the OEHHA, the DHS, the California Legislature, and the Senate Office of
28 Research. [See Cal. Evidence Code §§ 451(f) and 452(h).] Accordingly, the State Board is

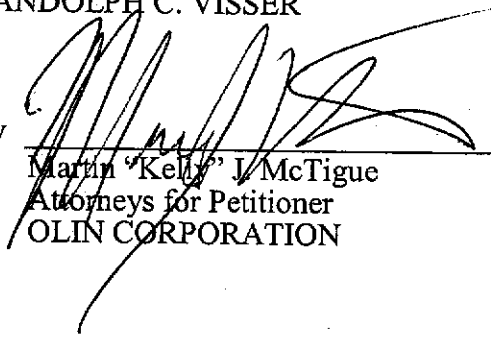
1 requested to and should take judicial notice of and consider these documents in ruling on Olin's
2 Petition for Review.

3 Dated: May 27 2004

Respectfully submitted,

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By


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OLIN CORPORATION